

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of :

Christopher J. LASHER, et al. :

Reissue Application of : Applications Branch
Patent No. 5,720,154 :

Filed: February 24, 2000 :

FOR: ENHANCED DRUG DISPENSING SYSTEM

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, Post Office Address and Citizenship are as stated below next to my name, and that:

I verily believe that I am the original, first and joint inventor of the invention entitled ENHANCED DRUG DISPENSING SYSTEM, described and claimed in the specification filed on February 24, 2000, that I have reviewed and understand the contents of the specification, including the claims, as well as the claims referred to in this declaration, that I do not know and do not believe the same was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to May 27, 1994, that the same was not in public use or on sale in the United States of America more than one year prior to May 27, 1994, that the invention has not been patented or made the subject of an inventors certificate issued before May 27, 1994 in any country foreign

to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to May 27, 1994, and that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application.

My original U.S. Patent 5,720,154, which matured from serial number 08/455,402, is partly inoperative or invalid by reason of claiming less than I had the right to claim through error. The errors include, for example, omission of broader claims to an operator assisted prescription dispensing system and a method of dispensing pills in a prescription dispensing system.

All errors arose without any deceptive intent during prosecution of the original application which matured as U.S. Patent No. 5,720,154.

No factual basis is required establishing how the errors occurred under 37 C.F.R. §1.175.

I hereby appoint the attorneys at the following customer number:



021269

PATENT AND TRADEMARK OFFICE

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, including: Irah H. Donner, Reg. No. 35,120; Gilberto M. Villacorta, Reg. No. 34,038; Mark L. Hogge, Reg. No. 31,622; Gianna Julian-Arnold, Reg. No. 36,358; Corinne M. Pouliquin, Reg. No. 35,753; Suresh Koshy, Reg. No. 42,761; Elizabeth Stanley, Reg. No. 44,438; Luke Yeh, Reg. No. 43,296; Christopher J. Kay, Reg. No. 44,820; and Thor B. Nielsen, Reg. No. P45,428 all of PEPPER HAMILTON LLP, Hamilton Square, 600 Fourteenth Street, N.W., Washington, D.C. 20005-2004, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Christopher J. Lasher
Address: _____

Citizenship: U.S.A.

Date: _____

Dennis W. Rice
Address: _____

Citizenship: U.S.A.

Date: _____

Michael J. Szesko
Address: _____

Citizenship: U.S.A.

Date: _____

Michael L. Mahar
Address: _____

Citizenship: U.S.A.

Date: _____

DC: #141525 v1 3179011.WPD 112764-1101

Attorney Docket No. 112764.1101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of :
Christopher J. LASHER, et al. :
Reissue Application of : Applications Branch
 Patent No. 5,720,154 :
Filed: February 24, 2000 :
;

FOR: ENHANCED DRUG DISPENSING SYSTEM

ASSIGNEE'S CONSENT TO REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 1.172, MERCK-MEDCO MANAGED CARE, L.L.C., assignee of U.S. Patent 5,720,154 to ENHANCED DRUG DISPENSING SYSTEM granted on February 24, 1998, to Christopher J. Lasher, et al., of which it is the owner of the entire right, title and interest, hereby consents to the filing of the accompanying reissue application therefor.

MERCK-MEDCO MANAGED CARE, L.L.C.

By: _____
 Bert I. Weinstein, Esq.
Title: Senior Vice President and General Counsel

Date: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

:

Christopher J. LASHER, et al.

:

Reissue Application of
Patent No. 5,720,154

: Applications Branch

Filed: February 24, 2000

:

FOR: ENHANCED DRUG DISPENSING SYSTEM

STATEMENT UNDER 37 C.F.R. 3.73(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 3.73(b), MERCK-MEDCO MANAGED CARE, L.L.C., hereby states that it is the assignee of the entire right, title, and interest of U.S. Patent 5,720,154 entitled ENHANCED DRUG DISPENSING SYSTEM granted on February 24, 1998, to Christopher J. Lasher, et al., as well as the accompanying reissue application therefor, by virtue of a chain of title from the inventors to the current assignee as follows:

1. The assignment from Christopher J. Lasher, Dennis W. Rice and Michael J. Szesko to MEDCO CONTAINMENT SERVICES, Inc., which assignment document was recorded in the Patent and Trademark Office at Reel 7643, frame 0895;

2. The assignment from Michael L. Maher to MEDCO CONTAINMENT SERVICES, Inc., which assignment document was filed for recordation in the Patent and Trademark Office on December 22, 1999 (a copy of which is attached hereto); and

Reissue Application of Patent No. 5,720,154

3. The acquisition by MERCK-MEDCO MANAGED CARE, L.L.C. of MEDCO
CONTAINMENT SERVICES, Inc.

The undersigned is empowered to sign this statement on behalf of the assignee.

MERCK-MEDCO MANAGED CARE, L.L.C.

By: _____
Bert I. Weinstein, Esq.
Title: Senior Vice President and General Counsel

Date: _____

DC: #141523 v1 317701!WPD 112764-1101

DOCKET NO.: 112764.1

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereto:

1. Name of conveying party(ies):

Michael L. MAHAR

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment Merger

Security Agreement Change of Name

Other _____

Execution Date: May 17, 1994

2. Name and address of receiving party(ies):

Name: Medco Containment Services, Inc.

Internal Address: _____

Street Address: 100 Summit AvenueCity: Montvale State/Country: NJ ZIP: 07645Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If the document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No(s).

B. Patent No(s).

5,720,154 issued February 24, 1998

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: PEPPER HAMILTON LLP

Internal Address: _____

Street Address: 600 Fourteenth Street, N.W.City: Washington State: DC ZIP: 20005-20046. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41) \$40.00 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

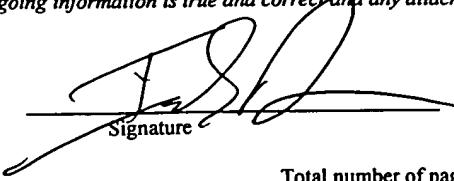
50-0436

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Irah H. Donner, Reg. No. 35,120

Name and Registration No. of Person Signing


December 22, 1999

Date

Total number of pages comprising cover sheet: 1

CMB No. 0851-0011 (exp. 4/94)

DC: #136701 v1 (2XH9011.WPD)

ASSIGNMENT

WHEREAS, Michael L. Mahar, of 300 Little Road, Wurtsboro, New York 12790 (hereinafter "Assignor"), is the inventor of an invention entitled "ENHANCED DRUG DISPENSING SYSTEM", set forth in an application for Letters Patent of the United States; and

WHEREAS, Medco Containment Services, Inc., a corporation organized and existing under the laws of the state of Delaware, having a place of business at 100 Summit Avenue, Montvale, New Jersey 07645 (hereinafter "Assignee"), is desirous of acquiring or has acquired an interest therein and would like to have a document suitable for recording that interest;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor, by these presents does sell, assign and/or transfer, or acknowledge that he has sold, assigned and/or transferred unto Assignee and Assignee's successors, legal representatives, heirs and assigns, the full and exclusive right, title and interest in the United States of America and all foreign countries to the said invention as described in the specification executed by Assignor on the 17 day of MAY, 1994, (and Assignor hereby authorizes Assignee's attorneys, authorized to prosecute said application, to here insert the serial number and filing date of said application, when known: _____ filed _____) preparatory to obtaining Letters Patent of the United States therefor, to said application, to all Letters Patent in the United States and all foreign countries which have been or may be granted on said invention, to all divisions, continuations and continuations-in-part of said application, to all reissues, reexaminations, and extensions of said Letters Patent, and to all rights respecting the invention that are accorded by international treaty; said invention, all of said applications for Letters Patent, all Letters Patent therefor, and all of said treaty rights to be held and enjoyed by Assignee for Assignee's own use and behoof and for Assignee's legal representatives, successors, heirs, and assigns, to the full end of the term of said Letters Patent and any extensions thereof, as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made; and for the same consideration, Assignor hereby covenants and agrees that Assignor will, whenever counsel of Assignee, or counsel of Assignee's successors, legal representatives, heirs or assigns, shall advise that any proceeding in connection with Letters Patent for said invention in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue or extension of any Letters Patent, obtained or to be obtained thereon, is lawful and desirable, sign all papers and documents,

take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said invention, without charge to Assignor, Assignor's successors, legal representatives, heirs and assigns, but at the cost and expense of Assignee, its successors, legal representatives, heirs, and assigns; and Assignor hereby requests the U.S. Commissioner of Patents and similar officials of foreign countries to issue any of said Letters Patent to be granted to Assignee.

Date: 5/17/94

Michael L. Maher

Michael L. Maher

STATE OF New Jersey >
COUNTY OF Bergen >

On this 17th day of May, 1994, before me personally appeared the above-named Assignor, to me personally known as the individual who executed the foregoing instrument and who acknowledged to me that [he or she] executed the same of [his or her] own free will for the purpose therein set forth.

PLS
Notary Public

PATRICIA L. STRAUCH
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES SEPT. 6, 1984

The Patent Office acknowledges, and has stamped hereon, the date of receipt of the items checked:

Doc. No. 112764.1
Patent
Serial No. 5,720,154

Applicant Mahar

<input type="checkbox"/> SMALL ENTITY	Fee (\$)
() Information Disclosure Statement WIPTO 1449 and References	
() Assignment and Fee	<u>40-</u>
() Certified Priority Doc.(s)	<u>0-</u>
() Response to Restrict/Elect. Req.	<u>0-</u>
() Amendment	<u>0-</u>
() Supplemental/Substitute Declaration	<u>0-</u>
() Request for Approval of Drawing Revisions	<u>0-</u>
() Notice of Appeal and Fee	<u>0-</u>
() Appeal Brief (3 copies) and Fee	<u>0-</u>
() Reply Brief (NO FEE)	<u>0-</u>
() Extension of Time _____ mos.	<u>0-</u>
() Terminal Disclaimer and Fee	<u>0-</u>
() Formal Drawings _____ Sheets	<u>0-</u>
() Issue Fee	
() Request for Corrected Filing Receipt	
() COA/POA	

Total Fee _____

Charge to
Deposit Account _____

Charge to
Deposit Account 50-0436

Initials: 40-

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